

Date: 6 Feb 75

TO: Messrs. Proctor/Walsh []

FROM: []

SUBJECT: OGC Effort to Find New Approaches
to Protect Sources and Methods

[] OGC, dropped by to explain his project, which is to find ways to protect sensitive Agency information by drawing on the Director's statutory responsibility for protecting sources and methods. The idea is to identify fairly specifically those categories of information that should be exempt from public disclosure because of the peril to sources and methods. It could then be argued that protection of these matters rests not only on EO 11652, but also on the National Security and CIA Acts.

[] said that the Marchetti experience showed we could make a better case when we were able to produce documentary evidence that the information in question belonged to a class of material determined by authorized individuals to warrant protection.

As a first step, each directorate has been asked to produce a list of subjects/ processes the disclosure of which would jeopardize sources and methods. Information provided by other governments and methods of photointerpretation and analysis come readily to mind, but on the whole I doubt that this Directorate can compile a very long list.

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Nevertheless, if you concur, I will write a memo to the office/staff chiefs asking for suggested topics.

OK

EWT

NO

I'll clear the memo with before sending it out, and run the response past you before forwarding to OGC. OK

I will also continue to consult with who doesn't think this is likely to be a very fruitful exercise. He warns that there will be a tendency elsewhere in the Agency to try to tuck a lot of unrelated items under this blanket, and that such an approach won't hold up. He takes a very limited view of "methods," interpreting the word to mean methods unique to the intelligence business that would be jeopardized if found out. We also discussed the fact that the FOI Act is more recent than -- and could be adjudged to override -- the laws giving the Director his responsibility to protect sources and methods.*

Old FOI Act provision exempting matters "specifically exempted by statute" was not amended and a statutory direction to DCI ~~that~~ to protect sources and methods.

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